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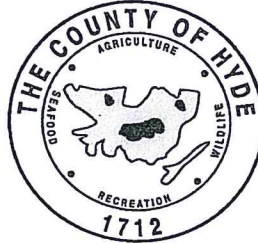
# COUNTY OF HYDE

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January 3, 2017

Mr. Sammy Corbett  
North Carolina Marine Fisheries Commission  
P.O. Box 769  
Morehead City, NC 28557

Dear Mr. Corbett:

The Hyde County Board of Commissioners, through attached resolution, recommends that the North Carolina Marine Fisheries Committee (MFC) deny the Petition for Rulemaking submitted by the North Carolina Wildlife Federation that proposes to designate the internal coastal and near oceanic waters of North Carolina special secondary nursery areas. The rules proposed in the Petition would close the internal coastal waters and near-shore oceanic waters of North Carolina to trawling unless opened by the North Carolina Division of Marine Fisheries (DMF), establish a shrimp size for shrimp trawling season to open, establish a more restrictive headrope size for shrimp trawls, create a trawl tow time for shrimp trawling, further restrict the taking of shrimp to daylight hours and three days per week, require the use of two DMF certified bycatch reduction devices in shrimp trawls, and create a recreational size limit of 8 inches for spot and 10 inches for croaker.

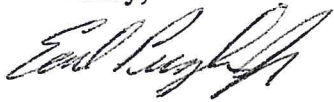
The Petition should be denied by the MFC because of several substantial and pertinent reasons. First, the Petition should be denied because such comprehensive changes to fisheries should be developed by fishery managements plans (FMP's). The North Carolina General Assembly, through the Fisheries Reform Act, clearly desired that such comprehensive changes in management measures for important recreational and commercial species in North Carolina be developed through FMP's.

Secondly, the Petition should be denied because these issues were recently discussed and addressed by the 2015 Shrimp FMP after two years of development. Bycatch and habitat protection measures were deliberated by the DMF and MFC Shrimp FMP Advisory Committee through the development of the FMP. Recommendations were reviewed by several other MFC advisory committees. Many public meetings were held where stakeholders provided input.

Thirdly, the Petition should be denied because the cost factors described in the Petition are clearly inadequately described. This omission is significant because the shrimp fishery is North Carolina's most important fishery economically.

The proposals will have a substantial economic impact on many small businesses, have significant negative effects on coastal communities and negatively impact the availability of North Carolina shrimp to consumers, which is why we are recommending that the MFC deny the Petition for Rulemaking submitted by the North Carolina Wildlife Federation.

Sincerely,



Earl Pugh, Jr. Chairman  
Hyde County Board of Commissioners

EP/roj

cc: Governor-Elect Roy Cooper  
Senator Norman W. Sanderson  
Representative Pat McElraft  
Representative Tim Moore  
Dr. Braxton Davis



**RESOLUTION IN OPPOSITION TO PETITION FOR RULEMAKING TO AMEND 15A  
ADMIN. CODE 3L .0101, 3L .0103, 3M .0522, 3M .0523, 3N .0151, AND 3R .0105 TO  
DESIGNATE SPECIAL SECONDARY NURSERY AREAS AND REDUCE BYCATCH  
MORTALITY IN NORTH CAROLINA COASTAL FISHING WATERS AS PRESENTED BY  
THE NORTH CAROLINA WILDLIFE FEDERATION**

**WHEREAS**, The North Carolina Wildlife Federation has filed a Petition for Rulemaking to amend 15A Admin. Code 3L .0101, 3L .0103, 3M .0522, 3M .0523, 3N .0151, and 3R .0105 to Designate Special Secondary Nursery Areas and Reduce Bycatch Mortality in North Carolina Coastal Fishing Waters.

**WHEREAS**, Hyde County strives to promote and ensure the viability and sustainability of North Carolina's valuable fisheries resources for all citizens including consumers demanding fresh North Carolina seafood.

**WHEREAS**, Hyde County strongly supports this resolution against rulemaking that proposes reclassifying internal coastal waters as secondary nursery areas.

**WHEREAS**, Hyde County has a 300 year history of commercial fishing in Pamlico Sound and relies greatly on commercial fishing as their second largest industry supporting the Hyde County economy.

**WHEREAS**, hundreds of people in Hyde County rely on shrimp trawling to support their families, surrounding businesses, communities and the local economy. Hyde County's shrimp fishermen are small, family-owned, independent businesses that sell to seafood dealers that seasonally employ hundreds more and whose expenditures spread through the communities in Hyde County.

**WHEREAS**, trawl effects greatly depend on the design of the gear, intensity of use and location used. The largest proportion of the bottom of the Pamlico Sound is soft, muddy bottom or soft, sandy bottom, where shrimp trawls and their doors have not been found to be highly destructive.

**WHEREAS**, D. Corbett et al. 2004, found that shrimp trawl effects on the bottom found in most of the Pamlico Sound have been described by scientists as similar to harsh winter storms with short term impacts.

**WHEREAS**, R.A. Deehr 2012, found that scientists have found that trawling disturbance can stimulate an increase in population numbers of bottom invertebrates and that predators of those invertebrates were more common in areas not open to trawling.

**WHEREAS**, trawls are designed to be selective for target species by modifying the mesh size, modifying the design, and speed of tow and shrimp trawls in North Carolina are required to use finfish excluders to allow small fish to escape.

**WHEREAS**, according to Harrington, D.L. and R.A. Vendetti in 1996, as much as 70% of the juvenile finfish are excluded with finfish excluders and North Carolina was the first state to require finfish excluders in shrimp trawls in its internal waters.

**WHEREAS**, shrimp trawlers are also required to use Turtle Excluder Devices (TEDs) to allow sea turtles to escape and scientists have documented that TEDs exclude significant amounts of juvenile finfish.



**WHEREAS**, the Albemarle-Pamlico Sound, which is the largest brackish water body in any one state in the United States of America, is unique in its characteristics and cannot be compared to water bodies in other states.

**WHEREAS**, Pamlico Sound is one of the few water bodies that support commercial quantities of pink, white and brown shrimp in the south Atlantic.

**WHEREAS**, North Carolina is the only state that has formally designated nursery areas for juvenile fish, shrimp and crabs. All bottom-disturbing fishing gear is prohibited in these areas, including shrimp trawls and has been prohibited for over 35 years. The greatest majority of bays and creeks of western and northern Pamlico Sound are classified as secondary nursery areas to protect these populations.

**WHEREAS**, 124,000 acres of estuarine areas are classified as primary or secondary nursery areas. An additional 47,000 acres of brackish waters are classified as special secondary nursery areas. These areas are closed to trawling, but may be opened when the majority of juvenile fish have migrated from the areas. In 2006 almost 92,000 acres in the Pamlico, Pungo and Neuse Rivers were closed to shrimp trawling as part of the North Carolina Shrimp Fisheries Management Plan. In total almost 1,000,000 acres of internal coastal waters are closed to trawling in North Carolina representing approximately 48% of the total.

**WHEREAS**, North Carolina has not allowed trawling in Albemarle Sound since 1987. North Carolina closed extensive areas of submerged aquatic vegetation located on the eastern shore of the Outer Banks from Oregon Inlet to the mouth of Core Sound to shrimp trawling in 1994. These areas serve as nurseries for juvenile fish and shrimp.

**WHEREAS**, shrimp trawl fishermen try to fish in areas that maximize shrimp catch and minimize finfish bycatch. High amounts of finfish bycatch increase fuel costs and labor costs in addition to decreasing the economic quality of the shrimp caught. Shrimp trawl fishermen currently avoid high amounts of bycatch at every opportunity.

**WHEREAS**, characterizing bycatch in the North Carolina shrimp trawl fishery is difficult due to factors including but not limited to distribution of the bycatch species, variation in fishing effort, variations in gear, the seasonality of the fishery, and mortality of the bycatch species. The Director of the North Carolina Division of Marine Fisheries recognized in August of 2013 that 4.5 lbs. of fish per lb. of shrimp is "not a good estimate" and is "not the appropriate way to characterize bycatch."

**WHEREAS**, the variation of the amount of finfish to shrimp in a shrimp trawl is tremendous. Scientists studying bycatch in North Carolina have cautioned that finfish/shrimp ratios tend to overestimate bycatch.

**WHEREAS**, survival rates of discarded finfish from the shrimp trawl catches are also difficult to accurately calculate. Survival rates are greatly influenced by trawl tow times, water temperatures, catch volumes, and the time it takes to cull the fish. Studies have shown that creatures of the ecosystem where the shrimp are caught do consume large quantities of the discarded finfish that die. Blue Crabs and other benthic invertebrates, birds and bottlenose dolphins all consume discarded finfish.

**WHEREAS**, North Carolina is recognized by other states and the federal government as having one of the best fisheries data collection programs in the country. Since 1978, North Carolina has been collecting detailed biological data on spot, Atlantic croaker, and gray trout; species most common in shrimp trawl bycatch. Data collected by the North Carolina Division of Marine Fisheries is used to assess population levels and to identify sources of fishing mortality.



WHEREAS, the 2010 Atlantic Croaker Stock Assessment Report for Peer Review, prepared by the Atlantic States Marine Fisheries Commission, states that in a 2010 stock assessment of Atlantic croaker, that while there was too much uncertainty in the models to precisely determine if the population was overfished, scientists state it is unlikely the stock is overfished based on other population data.

WHEREAS, spot are not classified as overfished but are classified as concerned by the North Carolina Division of Marine Fisheries, primarily based on landings. However, scientists recognize it is very difficult to determine population status from landings data.

WHEREAS, the Atlantic States Marine Fisheries Commission found in their Weakfish Stock Assessment Report in 2009 that there is little evidence that overfishing is occurring on weakfish and they believe other factors besides fishing are causing the weakfish stock decline.

WHEREAS, federal scientists in the 2005 South Atlantic Shrimp FMP found that while reviewing the stock status of weakfish, spot and Atlantic croaker, they could find no evidence to indicate that the mortality of shrimp trawls with TEDs was having a significant adverse effect on those populations.

WHEREAS, North Carolina has produced a fishery management plan for shrimp and other species. In addition, the federal government has developed a FMP for shrimp in the south Atlantic, with numerous amendments. None of these plans, amendments, or addendums has recommended a ban on inside shrimp trawling in North Carolina to ensure sustainability of these fisheries resources.

NOW, THEREFORE, BE IT RESOLVED that rulemaking reclassifying most internal coastal waters as special secondary nursery areas is not needed to improve fisheries management. The proposed reclassification will have a devastating impact on commercial fishing families and coastal fishing communities. The proposed reclassification will eliminate the availability to consumers of North Carolina harvested shrimp; a public resource to North Carolina residents, tourists, restaurants, and seafood retail.

NOW, THEREFORE, BE IT FURTHER RESOLVED that on behalf of the citizens of Hyde County, the Hyde County Board of Commissioners strongly urge the North Carolina Marine Fisheries Commission to reject the proposed rule petition. Copies of this resolution in opposition to rule making that proposes reclassifying most internal coastal waters as secondary nursery areas will be forwarded to the Honorable Roy Cooper, NC Governor Elect, Nancy Fish, NCDMF Commission Liaison, the Hyde County Legislative Delegation to the North Carolina General Assembly and each county in the great state of North Carolina.

Adopted this the 3<sup>rd</sup> day of January, 2017, in Hyde County, North Carolina.



SIGNATURE OF BOARD CHAIR

ATTEST:   
CLERK TO THE BOARD